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Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Financing of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991

Report of the Secretary-General

Summary

The present report contains the fourth annual budget performance report of the International Criminal Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law Committed in the Territory of the Former Yugoslavia since 1991, for the year ended 31 December 1998.

In its resolution 52/217 of 22 December 1997, the General Assembly decided to appropriate to the Special Account for the International Tribunal for the Former Yugoslavia $68,829,800 gross ($62,331,600 net). Subsequently, the Assembly adopted resolution 53/212 of 18 December 1998, in which it decided to revise the level of appropriation to a total amount of $68,314,500 gross ($61,941,400 net) based upon expenditure forecasts as of August 1998. The recorded expenditures totalled $65,573,800 gross ($59,363,300 net), resulting in an unencumbered balance of $2,740,700 gross ($2,578,100 net).

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I. Introduction

1. The budget performance report for 1998 is submitted in accordance with General Assembly resolution 49/242 B of 20 July 1995 and 52/217 of 22 December 1997.

2. The General Assembly decided to appropriate to the Special Account for the International Tribunal for the Former Yugoslavia a total of $68,829,800 gross ($62,331,600 net) for the year 1998 in resolution 52/217.

3. During 1998, the facilities available to the Tribunal were extended with the opening of two new courtrooms. The second courtroom was funded by voluntary contributions from the United Kingdom of Great Britain and Northern Ireland and was opened in May 1998, as scheduled in the 1998 budget. The third courtroom, for which provisions for construction and equipment had been included in the original 1998 budget, was donated jointly by Canada, the Netherlands and the United States of America. This third courtroom, originally scheduled for opening in January 1999, was opened in July 1998. The early availability of the third courtroom made it necessary to redeploy resources from costs of construction and audio-visual equipment into operations as the Tribunal's capacity for trials increased significantly.

4. In addition, the Tribunal experienced an increased number of detainees, with an average population of 26 rather than the original estimate of 18. On 31 March 1998, in its resolution 1160 (1998), the Security Council urged the Office of the Prosecutor to begin gathering information related to violence in Kosovo, and in its resolution 1166 (1998) of 13 May 1998 the Council approved the establishment of an additional Trial Chamber of three Judges along with support staff in order to expedite trials.

5. Subsequently, on 18 December 1998, the General Assembly adopted resolution 53/212, in which it decided to revise the level of the 1998 appropriation to a total amount of $68,314,500 gross ($61,941,400 net), which reflected the redeployment of resources based upon expenditure forecasts as at 31 August 1998.

6. The present performance report comprises both the budget performance report and actual performance indicators for 1998.

II. Performance report for 1998

Table
Overall appropriation and expenditure
(Thousands of United States dollars)

Object of expenditure	*Appropriation (1)*	*Expenditures (2)*	*Increase/(decrease) (3)*
Posts (net of staff assessment)	28 281.1	28 975.4	694.3
Other staff costs	4 439.9	3 856.3	(583.6)
Salaries and allowances of Judges (including common staff costs)	2.466.4	2 422.2	(44.2)
Consultants and experts	251.0	177.8	(73.2)
Travel	3 266.2	2 916.7	(349.5)
Contractual services	12 095.7	11 527.4	(568.3)
General operating expenses	6 443.8	5 796.0	(647.8)

Object of expenditure	*Appropriation (1)*	*Expenditures (2)*	*Increase (decrease) (3)*
Hospitality	5.1	4.4	(0.7)
Supplies and materials	1 029.0	520.7	(508.3)
Furniture and equipment	3 923.9	3 249.6	(674.3)
Alterations to premises	103.1	280.6	(177.5)
Staff assessment	6 009.3	5 846.7	(162.6)
Total (gross)	**68 314.5**	**65 573.8**	**(2 740.7)**
Income from staff assessment	6 009.3	5 846.7	(162.6)
Other income	363.8	363.8	-
Total (net)	**61 941.4**	**59 363.3**	**(2 578.1)**

Budget performance

7. Column 1 of the table shows the appropriation approved by the General Assembly for 1998. The expenditures incurred during the year are set out in column 2 and increases/(decreases) between the appropriation and actual expenditures are shown in column 3. The recorded expenditures totalled $65,573,800 gross ($59,363,300 net), resulting in an unencumbered balance of $2,740,700 gross ($2,578,100 net), or approximately 4 per cent of the 1998 revised appropriation. Significant variances between the 1998 revised appropriation and actual expenditures are explained in the following paragraphs.

Posts

8. The overexpenditure of $902,600 in salary and common staff costs was due mainly to the unfavourable exchange rate and the steady recruitment of staff during 1998. With regard to the exchange rate, the average rate during 1998 was 2.00 Netherlands guilders per United States dollar, while the rate used for the 1998 budget was 2.04, which represents approximately 2 per cent of unfavourable variance. The increase was offset in part by an unutilized balance of $208,300 in mission subsistence allowance, since the Tribunal personnel tended to stay in the former Yugoslavia for shorter periods than originally planned. The net increase of $694,300 represents a 2.5 per cent increase.

Other staff costs

9. The decrease of $583,600 for general temporary assistance was due to the following:

(a) A saving from the provision under the Chambers ($79,100) was generated in the area of professional legal assistance for Judges working to complete the Celebici judgement. It proved difficult to attract professional officers to take short-term contracts, resulting in an unspent balance. In addition, some of the overtime used in the Chambers was converted to compensatory time off, thereby reducing the requirement for payment. The variance under the Office of the Prosecutor ($3,300) was not significant;

(b) Under the Registry, a total decrease of $501,200 was recorded. In the areas of French verbatim reporting and translation, a variance of $146,800 was recorded because of lower costs of general temporary assistance for such services than originally estimated. Requirements in field translation services and related travel were lower than the 1998 budget ($101,100) owing to a reduced number of staff involved in investigative missions during

1998. A saving of $100,000 for witness assistants arose as contracts for those personnel started on 1 May 1999 rather than 1 January as budgeted. The provision for other general temporary assistance also recorded a significant underexpenditure ($153,300), mainly because of lower requirements for the management of construction projects. As the construction of the third courtroom was a donation in kind, the additional workload and peak-time support borne by the staff of the Tribunal was significantly lower than anticipated.

Salaries and allowances of Judges (including common staff costs)

10. The decrease of $44,200 reflects the timing of commencement of new Judges in the third trial Chamber.

Consultants and experts

11. The decrease of $73,200 was due to the following:

(a) The provision of $21,000 was included for services of amicus curiae required by the Court, but the amicus curiae who attended the Court did not request payment. The saving was offset in part by costs incurred for the short-term employment of a consultant ($12,000) who assisted in the preparation of the Celebici judgement;

(b) In the Office of the Prosecutor, $49,700 in unspent balance was recorded because fewer expert witnesses than expected were called for the Court;

(c) Under the Registry, the planned project to customize the PROGEN payroll system was not completed during 1998, resulting in a surplus of $14,500.

Travel

12. The decrease of $349,500 was due to the following:

(a) Under Chambers, a decrease of $5,200 was recorded. The surplus of $169,000 under the Office of the Prosecutor was due to the reduced number of staff involved in investigative missions during 1998. The increased number of detainees resulted in a significant change of activity in the Office of the Prosecutor, with many investigative personnel reassigned to trial preparation activities rather than investigations. As a result, many investigative missions were undertaken by one investigator, rather than the average of 1.75 investigative staff per mission on which the budget estimate had been calculated;

(b) Under Registry, a decrease of $175,300 was recorded, mainly in the area of witnesses' travel owing to smaller number of witnesses and witness-days than anticipated. With regard to witness-days, the cost estimates were based upon an average stay of 7.5 days for each witness. Experience in late 1997 and throughout 1998 has shown that the duration of stay of witnesses can vary significantly, depending on the number of defendants and the complexity of the case. In 1998 witnesses for the majority of cases needed to be in The Hague for a shorter period than the estimated average of 7.5 days, except for the witnesses in the Celebici case (four defendants) and the Kupreskic case (six defendants), who were required to stay for a much longer period. As a consequence, the average stay was lower than anticipated, at about 7.25 days. This saving from the decreased number of witnesses and witness-days was reduced in part by increased costs of travel and the unfavourable exchange rate.

Contractual services

13. Of the unencumbered balance totalling $568,300, decreases were recorded for defence counsel ($535,900), training ($9,800), contractual translation and English verbatim reporting

($34,000), external printing ($31,500), data-processing services ($26,900) and news agency services ($13,000). It was offset by increased requirements for detention guards ($79,900) and external audit ($2,900):

(a) The saving from costs of defence counsel accounts for $535,900, which represents approximately 5 per cent of the appropriation. The 1998 revised estimate for defence counsel was based on the expenditure forecasts in August 1998, considering the increased number of detainees and potential obligations according to the guidelines in the directive on assignment of defence counsel. Owing to the fact that the defence costs are requested with a certain time lag between services and payments, the budget included potential obligations that could be claimed but were uncertain at the time of the budget estimates. For example, use of investigators and legal or secretarial assistants, which are allowed according to the directive, might have been shared among co-defendants in multiple defendant cases, rather than claimed by each defendant, or not utilized by some defendants;

(b) The variance for training ($9,800) represents approximately 5 per cent of the revised estimates. A decrease of $34,000 was recorded in contractual translation ($22,100) and English verbatim reporting ($11,900), which represent 10 per cent and 2 per cent of the 1998 revised estimates, respectively. A saving under contractual translation ($22,100) is because in-house resources and general temporary assistance could cover more of the required work than anticipated;

(c) Under external printing, a decrease of $31,500 was recorded as a result of the reduced requirements for map and photographic reproduction services in the Office of the Prosecutor than foreseen in the budget estimates;

(d) Savings from data-processing services ($26,900) and news agency services ($13,000) were made as a result of a joint contract in the United Nations system for access to legal databases and news services;

(e) The increase in expenditure for detention guards ($79,900) is due for the most part to extra guards required for additional cells and the unfavourable exchange rate during 1998. Expenditures related to the 1997 external audit ($2,900) were charged to the Tribunal only in 1998.

General operating expenses

14. Under this heading, decreases were recorded in the following areas: maintenance and cleaning of premises ($104,900), rental of equipment ($49,800), commercial communications ($268,600), other communications ($14,400), maintenance of equipment ($94,500), cleaning of uniforms ($33,900), miscellaneous claims ($41,800), medical services for detainees and witnesses ($48,900) and other charges such as freight and insurance ($21,100). These were offset in part by increased requirements for rental of premises ($2,600) and miscellaneous services ($27,500):

(a) Maintenance and cleaning of premises ($104,900). The occupation of a new wing in the Tribunal's building took longer than anticipated and as a result less cleaning and maintenance services were required;

(b) Rental of equipment ($49,800) was lower than anticipated owing mainly to a delay in the rental of planned office equipment caused also by the delayed occupation of the new wing;

(c) The factors leading to significant savings in commercial communications ($268,600) were the widespread implementation of the very small aperture terminal (VSAT) system in the region of the former Yugoslavia; the negotiation of higher discounts with

telephone service providers in the Netherlands; and the installation of a new private branch exchange, which reduced communication costs through the use of the least-cost routing feature. The surplus from other communication related costs ($14,400), including postage, pouch, maintenance and supplies for communications equipment, represents approximately 8 per cent of the budget estimates;

(d) During 1998, maintenance costs for various pieces of equipment generated a surplus of $94,500. With regard to maintenance of vehicles ($34,400), the decrease was due to the fact that a number of field vehicles were used for a trust fund project (exhumation project) rather than exclusively for investigations. Their maintenance costs were therefore charged against the trust fund resources. A saving under maintenance of electronic data-processing and audio-visual equipment was achieved ($28,000) because it was possible to effect many repairs using in-house technicians. The delay in occupying the new wing also delayed the installation of the alarm system, resulting in a decrease of $27,000 for its maintenance;

(e) A saving of $33,900 was generated under cleaning of uniforms. As a result of a competitive bidding exercise during 1998, a lower price for cleaning of uniforms and judicial robes was achieved. In addition, much of the cleaning of uniforms for detention guards was done within the detention unit at minimal cost to the Tribunal, thus reducing requirements;

(f) Expenditures under miscellaneous claims were $41,800 less than the amount in the 1998 revised budget. This was due to the smaller number of witnesses than anticipated, which reduced requirements in claims for loss of earnings for witnesses. In addition, relocation requests by witnesses turned out to be less than anticipated. The decrease in the area of medical services for detainees and witnesses ($48,900) is also attributable to the number of witnesses;

(g) Other charges, which includes freight, insurance and bank charges, resulted in a decrease of $21,100. This was due mainly to a decrease in freight costs ($14,800) for equipment purchases. As that equipment was purchased locally, the requirement did not materialize;

(h) An overexpenditure of $27,500 was recorded under miscellaneous services for the scanning into the database of a large volume of evidence seized in early 1998 for later screening so that the documents would be returned within a reasonable time.

Supplies and materials

15. Under this heading, decreases were recorded in the following areas: office supplies ($54,500), data-processing supplies ($60,200), audio-visual supplies ($235,000), photocopy paper and supplies ($37,800), subscriptions ($23,800), fuel and lubricants ($76,100), uniforms ($19,000) and others ($1,900), including cleaning supplies, detainees' meal supplements and miscellaneous supplies:

(a) A surplus of $54,500 was recorded under office supplies. The provision included supplies of specialized acid-free folders and bags for evidence-handling in the Office of the Prosecutor and in the Court, but supplies purchased in 1997 proved sufficient for use in 1998;

(b) Under data-processing supplies, $60,200 was unspent because the requirement for supplies in 1998 was reduced and scheduled restocking purchases were delayed until 1999. Similarly, the reduced requirement for audio-visual supplies also resulted in a significant unspent balance of $235,000;

(c) The cost estimates for photocopy paper and supplies were made on the assumption that 35,000 reams of paper would be consumed per year. In 1998, only 21,000 reams of paper were purchased, resulting in a saving of $37,800;

(d) A saving of $23,800 was recorded under subscriptions, as a number of legal periodicals included in the 1998 budget were subsequently funded from the trust fund under the Tribunal's library project;

(e) Fuel and lubricants for the vehicles, some of which were used mainly for the trust fund project (exhumation project), were charged against the trust fund, thus resulting in an encumbered balance of $76,100;

(f) The delay in recruitment of additional security officers into 1999 resulted in the delay of the purchase of uniforms, totalling $19,000.

Furniture and equipment

16. Under acquisitions of furniture and equipment, overexpenditures were recorded under furniture and fixtures ($77,700), electronic data-processing equipment ($463,400), security and safety equipment ($86,600) and other various pieces of equipment ($1,000). These overexpenditures were offset by decreases in audio-visual equipment ($1,303,000).

17. To better reflect operational priorities, a decision was made to redeploy funds from audio-visual equipment for purchasing furniture and fixtures and electronic data-processing equipment in preparation for the new staff arriving in 1999. With regard to the overexpenditure under security and safety equipment, the extension of security control systems to those areas of the building previously sublet to the Organization for the Prohibition of Chemical Weapons was delayed into 1998, resulting in an additional expenditure of $86,600.

Alterations to premises

18. In the 1997 budget, a provision of $407,600 had been included to build office partitions in the additional office space occupied by the Tribunal during the year. The project was not completed in 1997 and was delayed until 1998. Since no provision was made in the 1998 budget to cover the cost of the delay, an overexpenditure of $177,500 was recorded under this heading.

Staff assessment

19. A decrease of $162,600 was recorded under staff assessment. The same amount represents income from staff assessment.

III. Action to be taken by the General Assembly

20. The General Assembly is requested to take note of the present report.

Annex

Comparison of forecast and actual performance indicators

The performance indicators for 1998 projection represent a revised forecast developed in August 1998 to illustrate the increased workload anticipated as a result of the changes in the structure and mandate of the Tribunal as well as the early opening of the third courtroom.

A. Chambers

Performance indicators	*1998 projection*	*1998 implementation*
Trials	6	8
Appeals (full and interlocutory)	12	20
Court days	346	377
Plenary days	9	9
Pre-trial motions, orders and applications	600	551
Order, warrants, etc., issued by a single Judge	100	63

B. Office of the Prosecutor

	1998 projection	*1998 implementation*
Prosecution Section		
Motions/applications/responses	360	325
Trials under preparation	10	7
Trials being prosecuted	8	3
Trials completed	6	5
Verdicts	5	3
Appeals	6	6
Investigations Section		
Number and status of investigations	10	20
Investigations (resulting in public indictments)	5	2
Missions	435	503
Witnesses interviewed	800	1 324
Statements obtained	450	696
Leadership research team		
Major projects/reports prepared for teams	40	40
Number of missions	19	33
Documents examined	16 000	16 000
Military Analysis Team		
Number of missions	40	38
Number of interviews	75	10
Documents analysed	22 000	52 500
Size of confidential (rule 70) document collection	10 500	N/A
Confidential (rule 70) documents analysed	3 700	2 000

	1998 projection	*1998 implementation*
Fugitive Intelligence and Sensitive Source Unit		
Intelligence reports from Interpol, etc.	1 000	N/A
Forensic Unit		
Number of forensic missions (excluding exhumations)	1	8
Number of mass grave sites assessed for possible exhumation activity	20	32
Actual mass grave exhumations completed	11	9
Number of bodies exhumed and examined	800	900
Information and Evidence Section		
Number of documents held in the Office of the Prosecutor's evidence collection (cumulative size of collection)	142,000 documents: 1,135,000 pages, 2,000 videos, 74 cubic metres of physical evidence	166,000 documents: 1,330,000 pages, 1,900 videos, 80 cubic metres of physical evidence
Criminal intelligence database		
Relationships entered (cumulative total)	604 000	610 362
Documents entered (cumulative total)	3 900	4 327

C. Registry

	1998 projection	*1998 implementation*
Press and Information Office		
Media representatives/journalists listed on distribution lists	550	550
Press releases issued	120	102
Phone queries/document requests — press	12 000	15 000
Phone queries/document requests — public	5 000	3 300
Arranged visits by universities, law societies, etc./visitors	70/1 300	64/1 231
Internet home page queries (per week)	15 400	19 800
Security and Safety Services		
Average number of posts and patrols covered per day	49	49
Staff identity cards issued	3 067	2 541
Personnel screened on entry to building	329 940	367 474
Parcels inspected and x-rayed	118 500	117 964
Visitor badges issued	19 596	11 474
Officers covering courtrooms and accused	45	45
Detention Unit		
Detainees (average)	25	26
Victims and Witnesses Unit		
Witnesses	600	446
Witness-days	4 500	3 248
Administrative applications for witnesses	6 000	8 900
Witnesses with additional protective measures	200	143
Relocation requests	30	7

	1998 projection	*1998 implementation*
Witnesses with additional support needs	180	140
Witness transport (Schiphol-Court-Schiphol)	300	328
Witness transport (hotel-Court)	1 400	1 389
Library and Reference Services		
Acquisition of books	2 000	2 300
Inter-library lending service	450	400
Lexis (hours used)	1 400	1 250
External databases accessed (hours)	800	950
Budget and Finance Services		
Appropriation level[a]	62.2 m	61.9 m
Extrabudgetary expenditure[a]	6.0 m	4.3 m
Payroll (regular + extrabudgetary + project)	775	675
Financial statements each month	20	18
Travel claims	310	275
Disbursements	1 570	1 500
Personnel Services		
Staffing table	646	634
Other personnel	180	153
Applications received	7 000	5 731
Offers of appointment	340	286
Special service agreement contracts	800	846
Short-term contracts	700	514
Conference and Language Services		
Translation (pages per year)	48 000	48 100
Conference interpreters (days)	3 900	2 671
Field interpreters (days)	3 000	2 496
Verbatim reporting — French (days)	1 900	2 381
Verbatim reporting — English (days)	400	356
Electronic Support and Communications Service		
Local area network		
Networks supported	6	6
Network connections	600	650
Helpdesk — calls	29 000	30 148
Helpdesk — calls/support person	4 142	5 481
Helpdesk — computers *in situ*	613	615
Audio-Visual — Court sessions supported	300	377
Audio-Visual — video editing requests	130	197
Communications — phone extensions	700	753
Communications — support requests	6 600	9 154
Communications — VSAT stations on-line	4	4
Programming — projects	11	13
Programming — applications users	637	615

	1998 projection	*1998 implementation*
General Services Section		
Procurement		
Purchase orders raised	550	564
Contracts raised	110	95
Local Committee on Contracts cases	65	64
Headquarters Committee on Contracts cases	12	14
Invoices processed	2 500	2 117
Travel		
PT8 forms completed	4 000	4 759
Travel invoices	6 000	6 327
Building Management Unit		
Work orders completed	1 500	1 942
Major maintenance projects	21	21
Electoral construction projects	8	9
Mail and Pouch		
Outgoing mail (pieces)	67 500	66 792
Incoming mail (pieces)	118 500	117 464
Graphics		
Requests for reproduction	2 400	1 680
Pages reproduced (centrally)[b]	4.0 m	4.1 m
Protocol		
Applications for visas/identity cards	2 154	2 232
Receiving and Inspection		
Inspection reports	573	551
Drivers		
Trips undertaken	2 286	2 250

[a] Millions of United States dollars.

[b] Millions of pages.